

REMARKS

This Application has been carefully reviewed in light of the Office Action electronically sent August 17, 2007. Claims 1-15 are pending in the application and are rejected. Applicants submit that the pending claims are patentably distinguishable over the cited references for the reasons given below. Applicants, therefore, respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Office Action rejects Claims 1-6, 9, and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,923,736 issued to Shachar ("*Shachar*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P § 2131 (*emphasis added*).

Claim 1 of the Application, as amended, recites the following limitations:

A telephone for providing content to a client external to the telephone, the telephone and the client each separately coupled to a communications network, the telephone comprising:

a network interface operable to couple the telephone to the communications network;

a handset operable to provide oral communication by a user of the telephone using the network interface;

a memory operable to store communication software and content for delivery to the client using the network interface, the content associated with the operation of the telephone; and

a processor coupled to the memory and operable to execute the communication software to enable the telephone to:

receive a request from the client via the network interface for the content stored in the memory;

transmit the content from the telephone to the client via the network interface in response to the request, the content transmitted in a format for presentation in a graphical user interface on the client;

receive a request from the client via the network interface to execute a telephone-related option selected by the user of the client in the graphical user interface; and
execute the requested telephone-related option.

Independent Claims 9 and 15 recite similar, although not identical, limitations.

Applicants respectfully submit that *Shachar* does not disclose each and every one of these limitations. The present Application is directed to a telephone for providing content to a client that is external to the telephone and can communicate with the telephone via a network. As the title of the present Application states, the telephone is a *server* of content over the network. On the other hand, the telephone of *Shachar* is a client (a web browser) – a receiver of content. Although Applicants believe this distinction is recited in the claims without amendment, Applicants have sought to clarify this distinction through the present amendments to the claims.

For example, *Shachar* does not disclose “a client *external* to the telephone, the telephone and the client each *separately coupled* to a communications network,” where the telephone “receive[s] a request from the client *via the network interface* for the content stored in the memory; transmit[s] the content from the telephone to the client *via the network interface* in response to the request, the content transmitted in a format for presentation in a graphical user interface on the client; [and] receive[s] a request from the client *via the network interface* to execute a telephone-related option selected by the user of the client,” as required by Claim 1.

For a teaching of the recited telephone, the Office Action points to telephone/terminal device 100 of *Shachar* (particularly to the voice communication device 160 portion of device 100). For a teaching of the recited client, the Office Action also points to a portion of device 100. Device 100 of *Shachar* is clearly disclosed as including an HTTP client/browser, that can display hypertext documents that are either resident in the device’s memory or that are received from the Internet (*see Col. 6, lines 1-9 and 41-48*). Therefore, device 100 is a telephone/terminal device that is an HTML *browser/client*.

Although Claim 1 does require a client, that recited client must be external to and separate from the telephone. Furthermore, Claim 1 requires that the telephone deliver content (as an example only, HTML content) to the client *via the network* (again they are separate devices). Thus, the telephone is a server of content to a separate client. This is not disclosed in *Shachar*. Instead, telephone/terminal device 100 is a *client* that is receiving content. There is no disclosure in *Shachar* of any telephone that is transmitting content to a client via a network. First, the telephone functionality of device 100 (the voice communication device 160) has nothing to do with the communication of content to the browser/client functionality of device 100. Second, the voice communication device 160 is not coupled to the browser/client functionality of device 100 via a network. It is part of the same device 100. Thus, Applicants respectfully submit that *Shachar* clearly does not disclose a telephone for providing content to a client via a network, as recited by Claim 1.

For at least these reasons, Applicants respectfully submit that Claim 1 is allowable of *Shachar*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 1, as well as the claims that depend from Claim 1. Furthermore, independent Claims 9 and 15 include limitations that are similar to those of Claim 1, and thus these claims are allowable for similar reasons. Thus, Applicants also respectfully request reconsideration and allowance of Claims 9 and 15, as well as the claims that depend from Claim 9.

Section 103 Rejections

The Office Action rejects Claims 7, 8, and 10-14 under 35 U.S.C. § 103(a) as being unpatentable over *Shachar* in view of U.S. Patent No. 6,430,174 issued to Jennings ("*Jennings*").

Claims 7, 8, and 10-14 each depend from one of independents Claims 1 and 9, which were shown above to be in condition for allowance. Therefore, for at least this reason, Applicants submit that Claims 7, 8, and 10-14 are also in condition for allowance. Thus, Applicants respectfully request reconsideration and allowance of Claim 7, 8, and 10-14.

CONCLUSION

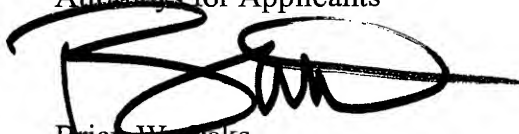
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

A large, stylized handwritten signature in black ink, appearing to read 'B. W. Oaks', is written over the printed name.

Brian W. Oaks
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Date: 11/19/07

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